



STATE OF MONTANA DEPARTMENT OF REVENUE JOB PROFILE

Working Title
Chief Legal Counsel

Job Code Title
Operations Manager V

Pay Band
9b

Job Code Number
111219

Director's Office
Legal Services Office

Fair Labor Standards Act
Exempt

The Montana Department of Revenue administers more than 30 state taxes and fees; establishes values for taxable property, including agricultural land, residential real estate, commercial real estate, forest land, business equipment, railroads and public utilities; supervises the operation of the state liquor stores and agencies and administers the laws governing the sale, taxation, and licensing of alcoholic beverages; and returns unclaimed property to its rightful owners.

The Director's Office supports the agency's Director and is composed of five work units: Legal Services Office; Office of Tax Policy and Research; Office of Human Resources and Organizational Development; Office of Taxpayer Assistance; and the Executive Office. The Legal Services Office provides complete legal services to all divisions and the Director's Office, representing the department and the State of Montana before administrative boards and in state and federal courts in all litigation involving Montana taxes and liquor laws. The office also handles all administrative rule, disclosure, and dispute resolution matters for the department. The Legal Services Office is comprised of the Litigation Unit, the Regulatory Unit, and the Office of Dispute Resolution.

Job Responsibilities

The Chief Legal Counsel is responsible for management, leadership, direct supervision of management staff, and indirect supervision of subordinate staff involved in department litigation and regulatory activities. Work includes establishing the overall direction for the office including determining short, intermediate, and long-range goals and objectives associated with the management of Legal Services programs. The Chief Legal Counsel provides guidance; technical assistance; training to subordinate staff; and interprets state and federal laws, statutes, rules, and regulations for assigned staff, other agencies, and the public. The position reports to the director.

• Staff Leadership, Management and Supervision 30%

The incumbent is responsible for leading staff and delegating the management of division programs to subordinate managers appropriately. The chief legal counsel monitors the progress of work plans, goals, and objectives of the division; ensures they are in line with the department's goals and priorities; and makes adjustments as needed. Supervision and development of staff is imperative to a manager's success.

Staff Leadership

1. Creates and maintains a high performance environment characterized by enthusiastic and positive leadership, direction, and a strong team orientation. Motivates employees to accomplish numerous division goals and objectives. Coordinates performance measures with staff. Encourages the development of new techniques or solutions to problems and assists with the resolution.

2. Provides leadership and mentoring opportunities to direct and coordinate the activities of staff through subordinate managers to ensure efficient operations and increase productivity including implementing and monitoring corrective action plans to solve problems.
3. Readily adapts to changes in existing operations, programs, services, activities, and functions. Makes recommendations. Takes necessary action to implement or accommodate changes. Maintains a positive attitude in communication to staff even when difficult changes arise.
4. Maintains an atmosphere of safety within the division. Ensures adequate training for all staff in proper lifting techniques, sensible ergonomic practices, and work-specific safety opportunities.
5. Makes and accepts responsibility for decisions necessary to carry out the legal service office's mission.
6. Accepts direction and feedback from supervisors and follows through appropriately.
7. Provides appropriate direction and feedback to subordinate supervisors. Ensures that delegated responsibilities are carried out and delegated authority is used appropriately.

Management

1. Conducts strategic planning in coordination with the director to develop and establish short and long-range plans. Participates in development of viable goals and objectives consistent with agency priorities.
2. Develops programs, policies, and procedures to assure the citizens of Montana that the department operates in accordance with the highest standard of integrity and ethics.
3. Evaluates state and national standards; new trends and technologies; division needs; and other factors to integrate requirements and resources into program plans.
4. Establishes and approves overall responsibilities, organizational structures, work activities, work plans, deadlines, and priorities. Evaluates workflow processes, efficiencies, and problems to identify the most effective use of staff and material resources to meet goals and objectives. Appropriately allocates resources to accomplish assigned work by coordinating with other work units and programs and adjusting subordinate assignments as needed. Considers pertinent factors such as available resources, staff ability, timelines, and work load. Identifies the need for additional staff or resources while maintaining fiscal responsibility.
5. Plans, schedules, and assigns special projects. Initiates adjustments to reflect changes in overall division and agency goals, operations, and relationships to departmental divisions.
6. Monitors compliance with established operational policies and procedures and achievement of division and department goals through consultation and regular meetings with subordinate supervisors; personal review of program and project management activities; and through discussions with other department staff and management. Disseminates data and promotes information exchange for support and advancement of department mission and goals. Uses input from the staff to guide program responsibilities.
7. Recommends program budgets for staff and equipment. Reviews allocations, project plans and objectives, and expenditures.
8. Identifies information needs and develops reports, information systems, spreadsheets, and other tracking methods to monitor program status, work progress, division performance, and individual performance. Uses data to identify areas of concern, strengths, and weaknesses. Provides analysis and recommends solutions to department management to resolve problems. Oversees quality control of information and sources.
9. Prepares correspondence in response to requests or inquiries. Ensures that necessary reports, correspondence, documentation, administrative actions, files, and records are correctly prepared, completed, maintained, and processed in accordance with applicable guidelines and time frames. Ensures the all areas of the division follow department expectations regarding disclosure and employee confidentiality.

Supervision

1. Recruits and hires employees. Interviews applicants and makes appropriate selection recommendations according to applicable laws, rules, policies, procedures, and guidelines. Ensures proper training and orientation of new employees.
2. Establishes criteria for acceptable work behavior and performance. Promotes workplace efficiency and productivity by educating, mentoring, coaching, and correcting employee behavior. Encourages exceptional performance and improvement in areas of individual weakness. Develops and monitors corrective actions.
3. Appropriately reviews, recommends, and initiates personnel actions according to applicable policies, procedures, and guidelines. Carefully considers options available. Works with Human Resources to take appropriate disciplinary action as needed. Enforces disciplinary policies.
4. Recognizes and promptly resolves internal and external issues. Mediates personnel issues in a very timely manner.
5. Completes employee performance reviews. Defines goals and required results at the beginning of the performance review period. Communicates on a very regular basis with staff on progress toward those goals and results.
6. Determines the training needs of staff through analysis of program effectiveness, new technology and policies, and staff performance. Ensures consistency in the application of training opportunities for all staff. Develops and enhances on-the-job training opportunities to ensure staff is provided the needed training to fulfill their job duties including cross-training opportunities. Provides necessary information and tools to staff to complete any new tasks and duties.
7. Communicates policy and procedures clearly and effectively in order to obtain desired results. Ensures staff adhere to rules, policies, procedures, and collective bargaining agreements.
8. Monitors and approves staff leave usage while ensuring adequate coverage is maintained.
9. Upholds and promotes the department's conviction to customer service throughout agency contacts as well as in communication with taxpayers. Staff is held accountable for providing the highest level of customer service to all those that they come into contact with.

- **Chief Legal Counsel and Litigation Oversight 40%**

The incumbent develops, implements, and administers all legal areas that affect department operations; provides legal counsel to the director, deputy director, and other top management; represents the department in legal proceedings; anticipates areas of liability or impact to the department; and provides alternative strategies and actions to reduce or eliminate this liability.

1. Identifies approaches to increase efficiency in delivering legal services. Directs long-range strategic planning. Discusses agency goals and objectives with the director. Anticipates future needs. Analyzes emerging issues that may impact division services and operations. Assesses the impact of changes in state and federal laws on department operations.
2. Oversees all department litigation to ensure legal strategies conform to department statutory requirements and strategic objectives. Assesses the long-term legal and political impact of potential case law. Develops department protocols for appeals, settlements, arbitration, and other matters. Determines how case outcomes, precedent, and case law affect department laws, rules, policies, and operations. Oversees the defense of legal actions filed against the department including the preparation of all legal documents, pleadings, appearances, and representations associated with the prosecution or defense of legal proceedings initiated on behalf of or against the department in all phases of litigation and in all forums.
3. Represents the department in meetings and negotiations on major issues that involve Montana citizens, private industry, federal government, other agencies, local governments, and Indian tribes. Serves as chief contact with Governor's Chief Legal Counsel and with Chief Legal Counsels of other agencies.
4. Provides counsel to the department's director, the deputy director, division administrators, bureau chiefs and all other department staff in developing department policies with respect to their legal implications on the operation of the department programs. Oversees the review of

facts and provides legal analysis on personnel matters to the Office of Human Resources and affected division administrators. Represents the department in personnel matters in administrative forums such as the Human Rights Commission.

5. Reviews department policy to ensure continued legal compliance and enforcement of department policies. Interprets state statutes and administrative rules. Represents the department before quasi-judicial and administrative forums. Interviews, drafts, and supervises the adoption, amendment, and repeal of all department administrative rules.
6. Evaluates department operations to ensure that program practices and methods comply with laws and legislative intent. Conducts research and analysis. Assesses program policies and practices. Proposes rules and laws to enhance services and improve compliance. Researches and analyzes statutes and legislative changes, state and local tax structures, and past policy decisions to ensure program methods and goals are in compliance with the law and in accord with legislative intent.
7. Represents the department in all phases of each legislative process by overseeing the drafting of legislative proposals and amendments to legislative proposals. Presents, attends, and supervises testimony on legislative matters. Coordinates departmental legislative activities. Advises the director and divisions of the legal effects of legislative proposals on the department. Advises the director on the option of the Governor to exercise veto power.
8. Presents department policy and legal positions, when requested, to members of the public, the press, and other interested parties.
9. Writes legal opinions upon request of the governor, director, deputy director, or other members of the management team.
10. Represents the department in hearings before the State Tax Appeal Board (STAB). Prepares appeals to the District Court from adverse STAB decisions. Prepares appeals to the Montana Supreme Court from adverse district court decisions.
11. Prepares pleadings as amicus curiae in major cases in which the department is not a party but in which the department has a major interest.
12. Prepares written legal memoranda and opinions in a timely manner or approves legal memoranda and opinions prepared by subordinate staff to ensure ready, effective, and efficient daily operations of department programs.
13. Coordinates legal activities with other states and with other Montana departments including the Attorney General and local legal officers.
14. Participates on the executive leadership team to identify common priorities, solve common problems, and obtain common goals. Under the director's leadership, the executive leadership team manages the department; recommends legislation to the governor and the legislature; and makes final agency decisions on matters within the department's scope.

- **Legal Services Administration 25%**

The incumbent directs the development and management of the policies, administrative systems, and resources of Legal Services to ensure adequate support for projects, effective and efficient use of staff and funding, compliance with state requirements, and continued program operations. As a member of the executive management team, provides input on decisions that affect the department as a whole. This position is responsible for overall management of department operations from a legal perspective.

1. Provides counsel in all areas with a potential for legal implications. Develops departmental strategies and operational components to ensure the department complies with all state and federal legal requirements. Provides protections to individual taxpayers and the citizenry as a whole. Assesses the legal, taxation, and economic impacts stemming from changes in state and federal legislation, case law, and Supreme Court interpretations to determine necessary modifications to department programs, operations, or legislative initiatives.
2. As a member of the executive management team, participates in setting and implementing the department's priorities. Determines and initiates appropriate organizational structures and work operations to reflect changes in objectives.

3. Develops the Legal Services budget and presents it to the director for review and analysis. This involves in-depth analysis of past legal activities, potential legal ramifications of national and local economic trends, and any other considerations that may directly or indirectly affect department operations. Determines specific budgetary needs by analyzing requests, past expenditures, policy or law changes, and projected costs and requirements. Devises and recommends agency positions and actions pertaining to budget issues.
4. Oversees the implementation, monitoring, and administration of division budgets including the allocation of funds. Ensures the money is allocated as designated. Tracks overall program funding levels through review of submitted accounting reports and approval of expenditures to ensure budgets are not exceeded. Oversees division compliance with agency, state, and federal laws, regulations, and policies for the use of funds. Monitors program budgets and manages legislative authority.
5. Oversees the preparation of detailed fiscal and budget status reports and presents them to the director on a regular basis. Works with other division administrators to ensure compliance with authorized departmental budgets. Recommends and implements fiscal operational corrections as authorized.
6. Directs ongoing monitoring of program compliance and progress to identify areas for program improvement or enhancement. Ensures requirements are met and department resources are used in the most efficient manner possible. Reviews and approves requisite planning activity reports, budget submissions, and other required documentation provided by subordinate managers.
7. Oversees the procurement, purchase, and inventory control of Legal Services equipment and supplies to ensure adequate and contemporary equipment and technology are available within budget constraints. Ensures compliance with state accounting and property management requirements.
8. Conducts research and responds to specific project and information needs of staff. Interprets policies, administrative rules, and other regulations. Analyzes and resolves complex and controversial problems related to Legal Services operations.

- **Other Duties as Assigned 5%**

1. Performs other duties as assigned.

Job Requirements

To perform successfully as a chief legal counsel, the incumbent must be self-motivated; possess a strong work ethic; maintain a positive attitude; and enjoy working with, and for, the public. It is essential that the incumbent has the ability to make sound decisions and be accountable for them. Strong communication skills and the ability to communicate effectively and respectfully with a wide range of audiences are required. Seasoned judgment in decision making is necessary since the work is performed with minimal guidance and within broad guidelines. The incumbent is expected to apply critical thinking skills; be a problem solver with the ability to identify and resolve tactical and strategic issues before they become problematic; resolve operational issues; elevate matters as necessary; recommend solutions; and effectively implement division changes and management directives. The position requires considerable skill in developing approaches to issues that have significant economic impacts on the state and taxpayers; program planning and implementation; negotiation, facilitation, and mediation; leadership techniques; project management; resource planning; organizational design; staffing and resource allocation; program administration; and budgeting. It is essential that the incumbent has the ability to work cross-functionally with all levels of senior management and employees and work effectively under pressure. This position works with highly confidential financial and tax information and is required to maintain the highest level of confidentiality regarding all information acquired or used in performing this job.

The incumbent must demonstrate knowledge of Montana tax law and tax cases; court and hearing rules and procedures including the Federal Rules of Civil Procedure, the Montana Rules of Civil Procedure,

the Rules of Appellate procedure, the Rules of Evidence, the Uniform District Court Rules and the Montana Administrative Procedure Act; court rules and trial procedures including the rules of evidence; judicial processes and procedures relative to administrative hearings and state and federal courts; bill drafting and legislation; civil litigation techniques and trial strategies; appellate court argument procedures and techniques; the Constitutions of Montana and the United States; and legal research methods and procedures. The position also requires comprehensive knowledge of state and federal laws, case law, court rulings, and constitutional provisions; basic principles, practices, and terminology relative to the specified areas of assignment; and working knowledge of laws concerning the operations of state government and administrative procedures. The incumbent must demonstrate professional knowledge of concepts, theories, and practices of public administration, strategic planning, economics, accounting, and business administration. The position requires knowledge of governmental organizational structure; government accounting and budgeting; procurement and inventory management; applicable state and federal regulations; public relations and communication; management theory and techniques; performance management; operational and program planning; organizational theory; project management; and legislative and administrative rule processes. The work requires knowledge of the direction and policies of the department; issues regarding the state and their impacts on division operations; in-depth knowledge of the methods, rules, laws, and functions of division programs; and applicable state and federal revenue laws and regulations. Knowledge of computers and database management including state and information systems (GenTax, ORION, SABHRS); data collection, analysis, and reporting techniques; compliance requirements and practices; customer service standards; supervisory principles and practices; department and state personnel policies, procedures, and precedents; and employment law are also required.

- The minimum level of education and job-related work experience needed as a new employee **on the first day** of work is a juris doctorate, admission to the Montana Bar, and eight years of job-related work experience including three years of senior-level management experience.
 - Work experience requires eight years of increasingly responsible legal practice and oversight of other lawyers providing an intimate knowledge of the actual practice of law and litigation.
 - Advanced legal courses in the area of state and local taxation and administrative law are desirable for the job. Training in trial techniques is highly desirable. Extensive experience in civil litigation outside of tax litigation is helpful and may substitute for tax litigation depending on the type and extent of the experience.
 - Other combinations of education and experience will be evaluated on an individual basis.

Department Core Values

- **Respect:** As a representative of the people of Montana, proceeds with the highest level of respect for the dignity of every person contacted through work. Without exception, all people are treated as equally as possible. The employee is a faithful steward of the resources provided to this agency by the citizens of Montana.
- **Integrity:** Conducts work honestly and makes decisions that establish a clear record that the department serves the public with integrity. Apologizes for mistakes and gives credit to others for their cooperation, work, and ideas in achieving positive results. Accountable for their actions and holds others accountable for theirs. Decisions and judgments achieve equity and justice for all parties involved including citizens and co-workers.
- **Productivity:** Consistently strives to minimize the waste of the department's financial, facilities, and human resources. Diligently works to improve the productivity and effectiveness of the work unit. Welcomes and encourages new ideas on improving the results of the department from the public, other officials, colleagues, and supervisors. Approaches work in a manner that builds goodwill, trust, and cooperation internally with other staff and externally with the public.
- **Teamwork:** Maximizes cooperation and teamwork when working with other employees, divisions, and other state agencies. Willing to work with others for the opportunity to learn from their ideas, talents, and knowledge. Seeks to resolve conflicts with other employees and work units in an open and respectful manner that reinforces teamwork. Celebrates the successes of others.

Working Conditions

This position has considerable mental stress and pressure due to supervisory issues; workload; conflicting, multiple priorities; critical projects with hard deadlines; time constraints; significance of decisions made; the challenging nature of contacts with taxpayers, elected officials, etc.; and coordination of all functions of the Legal Services Office. At times, the incumbent will deal with angry, hostile, and difficult individuals to resolve concerns or to bring about compliance with regulations. This may cause stressful work conditions and a high degree of mental stress. As a Department of Revenue employee, the incumbent may come into contact with highly confidential financial and tax information and is required to maintain the highest level of confidentiality regarding all information acquired or used in performing this job. Work hours routinely exceed 40 hours per week, which may include working evenings and weekends, especially leading up to and during legislative sessions. May involve minimal travel some of which is out of state therefore a valid Montana driver's license is required. This position requires considerable computer and keyboard use. The incumbent may spend considerable time on the phone. Lifting is infrequent, less than 15 pounds and includes carrying light items such as papers and books. This job requires regular attendance as scheduled by the supervisor. This job cannot be performed at an alternate work site.

Special requirements

- **Background Examination:** Applicants for this position will be subject to a criminal background review before being considered for employment. Individual circumstances involving a criminal conviction will be reviewed to determine an applicant's eligibility for employment.
- **Compliance with All Appropriate Montana Tax Laws:** An employee's tax status must be current.

This job profile was produced by the Office of Human Resources in conjunction with the appropriate managers.

Division Administrator Review: The statements in this job profile are accurate and complete.

Signature: Alan Peura, Deputy Director Date: August 2010

Human Resource Director Review: The Office of Human Resources has reviewed this job profile.

Signature: JeanAnn Scheuer, Human Resources Director Date: August 2010

Employee: My signature below indicates I have read this job profile and discussed it with my supervisor.

Signature: _____ Date: _____

Name (print): _____